

1 EDMUND G. BROWN JR., Attorney General  
of the State of California

2 PAUL C. AMENT

Supervising Deputy Attorney General

3 E. A. JONES, III, State Bar No. 71375

Deputy Attorney General

4 ELAINE GYURKO

Senior Legal Analyst

5 California Department of Justice

300 So. Spring Street, Suite 1702

6 Los Angeles, California 90013

Telephone: (213) 897-4944

7 Facsimile: (213) 897-9395

8 Attorneys for Complainant

9 **BEFORE THE**  
10 **RESPIRATORY CARE BOARD**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. R-2105

13 MIGUEL G. PAREDES

2637 Adelita

14 Hacienda Heights, California 91745

15 Respiratory Care Practitioner License No. 5946

16 Respondent.

**A C C U S A T I O N**

17  
18 Complainant alleges:

19 PARTIES

20 1. Stephanie Nunez (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Respiratory Care Board of California (Board),  
22 Department of Consumer Affairs.

23 2. On or about June 28, 1985, the Board issued Respiratory Care Practitioner  
24 License Number 5946 to Miguel G. Paredes (Respondent). This license was in full force and  
25 effect at all times relevant to the charges brought herein and will expire on September 30, 2008,  
26 unless renewed.

27 JURISDICTION

28 3. This Accusation is brought before the Board under the authority of the

1 following laws. All section references are to the Business and Professions Code (Code), unless  
2 otherwise indicated.

3 4. Section 3710 of the Code states: “The Respiratory Care Board of  
4 California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter  
5 8.3, the Respiratory Care Practice Act].”

6 5. Section 3718 of the Code states: “The board shall issue, deny, suspend,  
7 and revoke licenses to practice respiratory care as provided in this chapter.”

8 6. Section 3750 of the Code states:

9 “The board may order the denial, suspension or revocation of, or the imposition of  
10 probationary conditions upon, a license issued under this chapter, for any of the following  
11 causes:

12 “ . . .

13 “(f) Negligence in his or her practice as a respiratory care practitioner.

14 “. . . .”

15 7. Section 3755 of the Code states:

16 “The board may take action against any respiratory care practitioner who is  
17 charged with unprofessional conduct in administering, or attempting to administer, direct  
18 or indirect respiratory care. Unprofessional conduct includes, but is not limited to,  
19 repeated acts of clearly administering directly or indirectly inappropriate or unsafe  
20 respiratory care procedures, protocols, therapeutic regimens, or diagnostic testing or  
21 monitoring techniques, and violation of any provision of Section 3750. The board may  
22 determine unprofessional conduct involving any and all aspects of respiratory care  
23 performed by anyone licensed as a respiratory care practitioner.”

#### 24 COST RECOVERY

25 8. Section 3753.5, subdivision (a) of the Code states:

26 "In any order issued in resolution of a disciplinary proceeding before the board,  
27 the board or the administrative law judge may direct any practitioner or applicant found to  
28 have committed a violation or violations of law to pay to the board a sum not to exceed

1 the costs of the investigation and prosecution of the case."

2 9. Section 3753.7 of the Code states:

3 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall  
4 include attorney general or other prosecuting attorney fees, expert witness fees, and other  
5 administrative, filing, and service fees."

6 10. Section 3753.1, subdivision (a) of the Code states:

7 "An administrative disciplinary decision imposing terms of probation may  
8 include, among other things, a requirement that the licensee-probationer pay the monetary  
9 costs associated with monitoring the probation."

10 FIRST CAUSE FOR DISCIPLINE

11 (Negligence)

12 11. Respondent is subject to disciplinary action under section 3750,  
13 subdivision (f), of the Code in that he was negligent in his practice as a respiratory care  
14 practitioner. The circumstances are as follows:

15 A. On or about December 14, 2006, Respondent was assigned to work in the  
16 Intensive Care Unit (ICU) at Queen of the Valley Hospital in West Covina. A physician  
17 gave Respondent a verbal order to extubate (remove the tube from the airway) a patient.

18 B. Respondent did not confirm with the physician the identity of the patient  
19 to be extubated. Respondent did not verify the identity of the patient by two identifiers,  
20 including the name and date of birth on the patient's chart, which were the identifiers  
21 required by hospital policy. Respondent did not communicate with the patient's nurse  
22 before performing the extubation.

23 C. Respondent wrongfully extubated patient #679974 in bed #3 and placed  
24 the patient on 100% oxygen by mask. The patient's nurse entered the room and asked  
25 Respondent why he had extubated the patient, as there was no extubation order for the  
26 patient in bed #3. Respondent immediately hand ventilated the patient via a mask. When  
27 Respondent requested that the Emergency Department physician be called to reintubate  
28 the patient, he was informed that the patient was a DNR (do not resuscitate).

1 D. The patient's family was informed of the circumstances. The patient went  
2 into cardiac arrest. Cardiopulmonary resuscitation was started and then discontinued.  
3 The patient expired before a reintubation could be performed.

4 E. In a declaration signed under penalty of perjury and received by the  
5 Respiratory Care Board on February 26, 2007, Respondent admitted he wrongly  
6 performed an extubation on the patient in bed #3 in the ICU. Respondent stated the  
7 physician who gave him the order was holding the chart of the patient who was to be  
8 extubated. Respondent stated he saw only that portion of the chart with the written order  
9 to discontinue the ventilator and give 100% oxygen by mask.

#### 10 SECOND CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct)

12 12. Respondent is subject to disciplinary action under 3755 of the Code in that  
13 he engaged in unprofessional conduct in his practice as a respiratory care practitioner. The facts  
14 and circumstances set forth in Paragraph 11 of this Accusation are incorporated herein by  
15 reference.

#### 16 DISCIPLINE CONSIDERATIONS

17 13. To determine the degree of discipline to be imposed on Respondent,  
18 Complainant alleges that in a prior disciplinary action entitled *In the Matter of the Accusation*  
19 *Against Miguel Gilberto Paredes*, before the Respiratory Care Board of California, Case Number  
20 R-1522, Respondent was charged with conviction of the crime of reckless driving involving the  
21 consumption of alcohol, use of alcohol in a dangerous manner, and commission of a dishonest  
22 act for failure to disclose the conviction on his license renewal application. The Board issued a  
23 decision effective March 16, 2001, in which Respondent's license was placed on probation for  
24 three years with various terms and conditions. Respondent was granted early termination of  
25 probation in a decision effective January 30, 2003. Those decisions are incorporated herein by  
26 reference.

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

- 4 1. Revoking or suspending Respiratory Care Practitioner License Number  
5 5946 issued to Miguel G. Paredes;
- 6 2. Ordering Miguel G. Paredes to pay the Respiratory Care Board the costs of  
7 the investigation and enforcement of this case, and if placed on probation, the costs of probation  
8 monitoring; and
- 9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: September 26, 2007

11  
12  
13 Original signed by Liane Zimmerman for:  
14 STEPHANIE NUNEZ  
15 Executive Officer  
16 Respiratory Care Board of California  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant  
20  
21  
22  
23  
24  
25  
26  
27  
28